

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

In re:

**Juan Jose Guerrero, Sr
Graciela Luna Guerrero
Debtors**

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**Case No. 09-52656-G
Chapter 13**

**DEBTORS' MOTION TO APPROVE SETTLEMENT AGREEMENT, DISTRIBUTE
REMAINING PROCEEDS, AND SECOND REQUEST FOR ADDITIONAL
COMPENSATION**

THIS PLEADING REQUESTS RELIEF THAT MAY BE ADVERSE TO YOUR INTERESTS.

IF NO TIMELY RESPONSE IS FILED WITHIN TWENTY-ONE (21) DAYS FROM THE DATE OF SERVICE, THE RELIEF REQUESTED HEREIN MAY BE GRANTED WITHOUT A HEARING BEING HELD.

A TIMELY RESPONSE IS NECESSARY FOR A HEARING TO BE HELD.

TO THE HONORABLE BANKRUPTCY JUDGE OF THIS COURT:

The Debtors move the Court for an order to approve settlement agreement and distribute remaining proceeds, and in support of this motion would show the Court as follows:

The Debtors filed this case on 07/16/2009, and the Court entered the Order confirming the Debtors' Plan on 11/09/2009.

On April 26, 2012, the Joint Debtor hired Chris Cantrell to represent her in a matter concerning a mass-tort personal injury claim. The Debtors filed a supplemental schedule B disclosing the potential asset.

On April 13, 2015, the Debtors' attorney received a proposed settlement offer concerning the claim. The total settlement includes payment for services rendered by special counsel in the amount of \$23,333.33, administrative costs in the amount of \$2,164.33, payment to AMS and Rawling Group (lien holdback) in the amount of \$17,500.00, and payment of remaining net proceeds to be distributed to the Joint Debtor in the amount of \$27,002.34.

The Debtors wish to retain a portion of the settlement money. The Debtors have auto


repairs in the amount of \$1,216.97, AC and Heater expense in the amount of \$6,400.00, and dental work in the amount of \$8,660.00. The Debtors agree to pay the remaining balance of \$10,725.37 towards their Chapter 13 plan.

As of this date, the Court has awarded Debtors' counsel the standard benchmark fee of \$3,200, with \$2,874 being paid through the Chapter 13 plan and the remainder having been collected upfront with the filing fees. The Debtors' attorney has requested \$436.00 in post-petition fees in this case. The Debtors have incurred additional attorney's fees in the amount of \$500 for the preparation and filing of this motion. The additional fees were not foreseen or anticipated at the inception of the case. The Debtors request that the attorney's fees be paid to Flume & Associates, and that the compensation is to be paid by the Chapter 13 Trustee as an administrative priority expense under the Chapter Plan, pursuant to the Standing Order.

Therefore, the Debtors respectfully move the Court for an Order granting the requested relief.

DATED: 4-29-2015

Respectfully submitted,
FLUME & ASSOCIATES
900 NE Loop 410, Suite E-105
San Antonio, TX 78209
Telephone: (210) 930-7000
Fax: (210) 820-3207

By: 
Rick Flume, SBN 22299200
Attorney for Debtors

CERTIFICATE OF SERVICE

The undersigned certifies that, on this date, service of a copy of the attached has been accomplished by CM/ECF to MARY K. VIEGELAHN, Chapter 13 Trustee, and by first class mail, postage paid, to the parties in interest listed below and on the attached matrix.

DATED: _____

4/29/2015



Rick Flume

DEBTORS

Juan Jose Guerrero, Sr
Graciela Guerrero
200 Bluefield
Pleasanton, TX 78064

CHAPTER 13 TRUSTEE

Mary K. Viegelahn
10500 Heritage Blvd. Ste. 201
San Antonio, Texas 78216

ATTORNEY

Chris W. Cantrell
Doyle Lowther, LLP
10200 Willow Creek Rd, Ste 150
San Diego, CA 92131-1669

ADT
P.O. Box 650485
Dallas, TX 75265

CMRE Financial Serv. Inc.
3075 E. Imperial Hwy. #200
Brea, CA 92821-6753

IPC of Texas
P.O. Box 92729
Algonquin, IL 60102

Alliance One
4850 Street Rd. Ste. 300
Feasterville Trevose, PA 19053

Conns Opportunity Finance
PO Box 2358
Beaumont, TX 77704

IRS / Special Procedures
P.O. Box 21126
Philadelphia, PA 19114

Allied Interstate
3000 Corporate Exchange Drive,
Columbus, OH 43231

Direct Rewards
PO Box 60142
City of Industry, CA 91716

JC Penney
PO Box 981131
El Paso, TX 79998

Allied Interstate
P.O. Box 70886
Charlotte, NC 28272

Encore Receivable
P.O. Box 3330
Olathe, KS 66063

Kohl's
P.O. Box 740933
Dallas, TX 75374
MASTER ADDRESS

Atascosa County Tax Assessor-Co
c/o Thomas P. Cate
PO Box 216
Lytle, TX 78052

Exxon Mobil
P.O. Box 6404
Sioux Falls, SD 57117

Lowe's
P.O. Box 530914
Atlanta, GA 30353

Best Buy
HRS USA
PO Box 15521
Wilmington, DE 19850

First National Bank
610 Waltham Way
Sparks, NV 89434

NCO Financial
P.O. Box 8969 Dept. 61
Westbury, NY 11590

Capital One
PO Box 85167
Richmond, VA 23285

Flume & Associates
8700 Crownhill Blvd., Ste. 502
San Antonio, TX 78209

Old Navy
P.O. Box 105980, Dept 72
Atlanta, GA 30353

Chase
P.O. Box 94014
Palatine, IL 60094

Generations FCU
P.O. Box 830968
San Antonio, TX

Orchard Bank
PO Box 60102
City of Industry, CA 91716

Citi Cards
PO Box 20507
Kansas City, MO 64195

Home Depot
P.O. Box 6028
The Lakes, NV 88901

Sam's Club
P.O. Box 530942
Atlanta, GA 30353

Client Services, Inc.
3451 Harry S. Truman Blvd.
St. Charles, MO 63301

HSBC Bank
c/o Redline Recovery
6201 Bonhomme Rd., Ste. 1005
Houston, TX 77036

Security Service FCU
16211 La Cantera Pkwy.
San Antonio, TX 78256

South Texas Regional
P.O. Box 847974
Dallas, TX 75284

T-Mobile
c/o Pinnacle Financial
7825 Washington Mutual Ave.
Minneapolis, MN 55439

Target
PO Box 740933
Dallas, TX 75374

U.S. Attorney / IRS
601 NW Loop 410, Suite 600
San Antonio, TX 78216

U.S. Attorney General
Main Justice Bldg., Rm 5111
10th & Constitution Ave., NW
Washington, DC 20530

US Trustee
PO Box 1539
San Antonio, TX 78295-1539

Victoria's Secret
c/o World Financial
P.O. Box 182273
Columbus, OH 43218

Walmart
c/o Penncro
P.O. Box 538
Oaks, PA 19456

Walmart
P.O. Box 830927
Atlanta, GA 30353

Walter Mortgage
P.O. Box 31574
Tampa, FL 33631

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

In re:

**Juan Jose Guerrero, Sr
Graciela Luna Guerrero
Debtors**

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**Case No. 09-52656-G
Chapter 13**

**ORDER GRANTING DEBTORS' MOTION TO APPROVE SETTLEMENT
AGREEMENT, DISTRIBUTE REMAINING PROCEEDS, AND SECOND REQUEST
FOR ADDITIONAL COMPENSATION**

Before the Court is the Debtors' Motion to Approve Settlement Agreement, Distribute Remaining Proceeds, and Request for Additional Compensation. The Court finds that the motion should be GRANTED.

THEREFORE, IT IS ORDERED that the settlement regarding the personal injury suit and pursuant to the Application Awarding Compensation of Attorney Fees is hereby GRANTED.

IT IS ALSO ORDERED that Chris Cantrell be allowed to distribute settlement proceeds for services rendered by special counsel in the amount of \$23,333.33, administrative costs in the amount of \$2,164.33, payment to AMS and Rawling Group (lien holdback) in the amount of \$17,500.00, payment to the Debtor in the amount of \$16,276.97, and the balance of 10,725.37 be paid directly to the Chapter 13 Trustee.

IT IS FURTHER ORDERED that attorney fees in the amount of \$500.00 are awarded to Flume & Associates and that the compensation is to be paid by the Chapter 13 Trustee as an administrative priority expense under the Chapter 13 Plan pursuant to the Standing Order.

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Prepared in the office of and submitted by:
Rick Flume, Flume & Associates
900 NE Loop 410, Suite E-105
San Antonio, TX 78209
Phone: 210-930-7000
Fax: 210-820-3207